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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,915	03/21/2006	Martin Fangmeier	SMBPT171PC04402BUS	2971
3624 7590 09/27/2007 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER KRISHNAMURTHY, RAMESH	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,915

Applicant(s)

FANGMEIER, MARTIN

Examiner

/Ramesh Krishnamurthy/

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

This office action is responsive to communications filed 10/20/2006.

Claims 1 – 10 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 3 and 5 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eplett et al. (US 2,641,278).

Eplett et al. discloses a backflow preventer (Figs. 1 - 5), comprising an insert housing (7) with a housing interior in which a valve member (13) is located which contacts a valve seat (12) in a closed position thereof and which can be moved against a restoring force (due to a spring (10)) from the closed position into an open position, wherein the housing interior has, in a movement zone of the valve member (13), an interior section, which has a greater open cross section relative to an outer periphery of the valve member, wherein for play-free guidance of the valve member (13) there is a spring-elastic valve member guide (19, 21), which is effective between the valve member (13) and a housing inner wall (8) surrounding the interior section, wherein the valve member guide (19, 21) is effective at least in the movement zone of the valve member (13) in proximity to the valve seat, wherein the valve member guide (19, 21) includes at least two spring arms (21), which contact the housing inner wall (8) and/or the valve member (13), wherein the spring arms (21) point in a direction away from the valve seat (12) with the free spring arm ends, wherein the spring arms (10) are spaced

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apart from each other uniformly in a peripheral direction of the backflow preventer, wherein a ring seal (between (12) and (16)), which is effective between the valve member and the valve seat in the closed position, is provided on a periphery of the valve member and the spring arms (21) are arranged on a side of the ring seal facing away from the valve seat, the valve member has on a side facing away from the valve seat (12) a guide rod (23), which is guided displaceably in a guide opening of the insert housing (7). It is noted that recitations pertaining to water line or a sanitary water discharge armature are reflective of intended use that the device of Eplett et al. is inherently capable of.

3. Claims 1 – 4 and 7 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildfang (US 4,862,913).

Wildfang discloses a backflow preventer (Figs. 1 - 4), comprising an insert housing (2) with a housing interior in which a valve member (5) is located which contacts a valve seat (7) in a closed position thereof and which can be moved against a restoring force (due to a spring (6)) from the closed position into an open position, wherein the housing interior has, in a movement zone of the valve member (5), an interior section, which has a greater open cross section relative to an outer periphery of the valve member, wherein for play-free guidance of the valve member (5) there is a spring-elastic valve member guide (15, 18), which is effective between the valve member (5) and a housing inner wall surrounding the interior section, wherein the valve member guide (15, 18) is effective at least in the movement zone of the valve member (5) in proximity to the valve seat, wherein the valve member guide (15, 18) includes at

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least two spring arms (18), which contact the housing inner wall and/or the valve member (5), wherein the spring arms (10) are formed on an inside of the insert housing (2) and are arranged preferably with free spring arm ends thereof in a region of the valve seat (7), wherein the spring arms (18) are spaced apart from each other uniformly in a peripheral direction of the backflow preventer, wherein a ring seal (9), which is effective between the valve member and the valve seat in the closed position, is provided on a periphery of the valve member and the spring arms (18) are arranged on a side of the ring seal facing away from the valve seat, the valve member has on a side facing away from the valve seat (7) a guide rod (10), which is guided displaceably in a guide opening of the insert housing (2). It is noted that recitations pertaining to water line or a sanitary water discharge armature are reflective of intended use that the device of Wildfang is inherently capable of.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eplett et al. as applied to claims 1 – 3 and 5 – 10 above, and further in view of GB 661,479.

The patent to Eplett et al. discloses the claimed invention with the exception of explicitly disclosing the spring arms to be formed on an inside surface of the insert housing.

The document GB'479 discloses a valve arrangement wherein a spring disc having spring arms (37) is formed on an inside surface of the insert housing (20) for the purpose of guiding the valve in its movement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in Eplett et al. spring arms to be formed on an inside surface of the insert housing for the purpose of guiding the valve in its movement, as evident from GB '479. It should be noted that in Eplett et al. the spring arms are formed on the valve and by replacing such a construction with arms that are formed on the inside surface of the insert housing is merely an alternative arrangement that is known in the art.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson, can be reached on (571) 272 – 4887. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ramesh Krishnamurthy/

Ramesh Krishnamurthy

Primary Examiner

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